IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOYCE ROBINSON,	:	
	:	
Plaintiff	:	
	:	**CIVIL ACTION NO. 1:07-cv-1641**
v.	:	
	:	**(Chief Judge Kane)**
CONSOLIDATED RAIL CORP.;	:	
NORFOLK SOUTHERN CORP.;	:	
NORFOLK SOUTHERN RAILROAD CORP.;	:	
JOHN DOES (1-10); and	:	
ABC CORPORATIONS (1-10),	:	
	:	
Defendants	:	

ORDER

AND NOW, this 16th day of March 2009, upon consideration of the motion to dismiss (Doc. No. 7) filed by Defendants Norfolk Southern Corp. and Norfolk Southern Railways Co. (collectively, the "Norfolk Defendants"); and upon consideration of the fact that while the motion to dismiss remained pending the Norfolk Defendants filed a motion for summary judgment that incorporates and advances the arguments made in support of the motion to dismiss; and the Court finding that the legal arguments made in the motion to dismiss have been incorporated in the motion for summary judgment and can be fully decided in an order addressing such motion; IT IS HEREBY ORDERED THAT Defendants' motion to dismiss (Doc. No. 7) is DENIED as moot.

/s/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania